

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007077-001 DT

03/18/2010

HONORABLE MARIA DEL MAR VERDIN

CLERK OF THE COURT
Y. Smith
Deputy

STATE OF ARIZONA

MICHAEL A ANDERSON
EDWARD DOUGLAS LEITER

v.

VICTOR MANUEL CASTILLO ESTOBAR
(001)

KELLIE SANFORD

CITS - CCC SPANISH
VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY 8

9:41 a.m. The jury continues their deliberations from 3/17/10.

10:55 a.m. LET THE RECORD REFLECT that the Court has received two questions from the jury. State is represented telephonically by Michael Anderson. Defendant is not present, but is represented telephonically by Kellie Sanford.

Court reporter, Hilda Lopez, is present.

The jury questions are discussed and written responses are given to the jury.

FILED: Jury Questions.

11:10 a.m. Matter concludes.

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11:20 a.m. Court reconvenes. State is represented telephonically by Michael Anderson. Defendant is not present, but is represented telephonically by Kellie Sanford.

Court reporter, Hilda Lopez, is present.

Court and counsel further discuss the jury question received earlier.

11:20 a.m. Court stands at recess so that Ms. Sanford can get to a land line to complete the conference call.

11:33 a.m. Court reconvenes. State is represented telephonically by Michael Anderson. Defendant is not present, but is represented telephonically by Kellie Sanford.

Court reporter, Hilda Lopez, is present.

Court and counsel further discuss the jury question received earlier regarding State's exhibits 36, 37, and 38, and a written response is given to the jury.

FILED: Jury Question.

11:40 a.m. Matter concludes.

11:55 a.m. The jury breaks for lunch.

2:15 p.m. In Courtroom: State is represented by Michael Anderson and Edward Leiter. Defendant is present in custody with Kellie Sanford. Gabriella Lindsey Hall is present interpreting in Spanish for the Defendant.

Court reporter, Hilda Lopez, is present.

The jury is all present in the jury box, and by their foreperson return into court their verdicts, which are read and recorded by the clerk, and are as follows:

"We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant guilty of Count 1: Participation in a Criminal Syndicate.

Foreperson."

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“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant guilty of Count 2: Smuggling.

Foreperson.”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant not guilty of Count 3: Kidnapping (Luis Chavero).

Foreperson.”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant not guilty of Count 5: Theft by Extortion (Luis Chavero).

Foreperson.”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant guilty of Count 9: Kidnapping (Ruben Vasquez Ordonez).

If you find the Defendant guilty of Kidnapping, we DO find the offense a dangerous offense.

Foreperson.”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant guilty of Count 10: Kidnapping (Rosario Garcia Juarez).

If you find the Defendant guilty of Kidnapping, we DO find the offense a dangerous offense.

Foreperson.”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant guilty of Count 11: Forgery.

Foreperson.”

The jury replies that these are their true verdicts.

At the request of the Defendant, the jury is polled and each juror replies that this is his or her verdict.

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FILED: (7) Verdicts.

The Court now proceeds to the Aggravation Phase.

The Court reads the Aggravating Circumstances Jury Instructions to the jury.

FILED: Aggravating Circumstances Jury Instructions.

Counsel present arguments.

2:50 p.m. The jury retires in charge of their sworn bailiff to consider the aggravation phase verdicts.

3:25 p.m. In Courtroom: Court reconvenes. State is represented by Michael Anderson and Edward Leiter. Defendant is present in custody with Kellie Sanford. Gabriella Lindsey Hall is present interpreting for the Defendant.

Court reporter, Hilda Lopez, is present.

The jury is all present in the jury box, and by their foreperson return into court their verdicts, which are read and recorded by the clerk, and are as follows:

“We, the Jury, duly empanelled and sworn in the above-entitled cause, upon our oaths, do find as to Aggravating Circumstances Verdict - Count 1: Participation in a Criminal Syndicate:

1. The offense involved the infliction or threatened infliction of serious physical injury: Unanimously proven beyond a reasonable doubt.
2. The offense involved the use, threatened use or possession of a deadly weapon or dangerous instrument during the commission or the crime, specifically a firearm: Unable to reach a unanimous verdict.
3. The offense involved the presence of an accomplice: Unanimously proven beyond a reasonable doubt.

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4. The Defendant committed the offense as consideration for the receipt, or in the expectation of the receipt of anything of pecuniary value: Unanimously proven beyond a reasonable doubt.

Foreperson.”

“We, the Jury, duly empanelled and sworn in the above-entitled cause upon our oaths do find as to Aggravating Circumstances Verdict – Count 9: Kidnapping (Ruben Vasquez-Ordonez):

1. The offense involved the infliction or threatened infliction of serious physical injury: Unanimously proven beyond a reasonable doubt.
2. The offense involved the use, threatened use of possession of a deadly weapon or dangerous instrument during the commission of the crime, specifically a firearm: Unable to reach a unanimous decision.
3. The offense involved the presence of an accomplice: Unanimously proven beyond a reasonable doubt.
4. The Defendant committed the offense as consideration for the receipt, or in the expectation of the receipt of anything of pecuniary value: Unanimously proven beyond a reasonable doubt.

Foreperson.”

“We, the Jury, duly empanelled and sworn in the above-entitled cause, upon our oaths do find the Defendant as to Aggravating Circumstances Verdict – Count 10: Kidnapping (Rosario Garcia-Juarez):

1. The offense involved the infliction or threatened infliction of serious physical injury: Unanimously proven beyond a reasonable doubt.
2. The offense involved the use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, specifically a firearm: Unable to reach a unanimous decision.
3. The offense involved the presence of an accomplice: Unanimously proven beyond a reasonable doubt.

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4. The Defendant committed the offense as consideration for the receipt, or in the expectation of the receipt of anything of pecuniary value: Unanimously proven beyond a reasonable doubt.

Foreperson.”

The jury replies that these are their true Verdicts.

FILED: (3) Verdicts.

The jury is excused from further consideration of this cause and leaves the courtroom.
Court remains in session.

IT IS ORDERED setting time for entry of judgment of guilty and sentencing on **4/27/10 at 8:45 a.m. in this division.**

IT IS FURTHER ORDERED that a presentence investigation and report be made.

ISSUED: Green Slip.

IT IS FURTHER ORDERED holding the Defendant nonbondable pending sentencing.

3:34 p.m. Trial concludes.

FILED: Trial Worksheet and Exhibit Worksheet.

IT IS ORDERED permanently releasing State's exhibits 32, 35, and 41, not having been offered or received in evidence, to counsel for the State.

ISSUED: Exhibit Release Form.